

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Germano
TITLE : COATING SYSTEMS HAVING AN ANTI-CORROSION LAYER AND A POWDER COATING LAYER
APPLICATION NO. : 10/772,622
FILED : 02/05/2004
CONFIRMATION NO. : 4908
EXAMINER : LAVILLA
ART UNIT : 1775
LAST OFFICE ACTION : March 22, 2007
ATTORNEY DOCKET NO. : MCII 200003
Cleveland, OH 44114
April 5, 2007

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed March 22, 2007, in the above-captioned application.

The Examiner indicated that Applicant's previous election of a particulate metal material satisfied the Examiner's restriction requirement.

However, the Examiner contended that Applicant's previous election for a "thermoset powder coat composition" did not satisfy the Examiner's previous request to

“elect a powder coat composition from those mentioned in claims 5, 7, 10, 12, 16, 18, 22, 24, 28 and 30.”

Applicant did in fact elect a type of powder coat composition. Applicant elected a “thermoset powder coat composition.”

Now, the Examiner requires Applicant to further elect a specific type of thermoset powder coat composition.

Although Applicant traverses this additional request, in order for examination to begin, Applicant hereby elects an epoxy thermoset powder coat composition. This additional election is made with traverse on grounds that the Examiner’s multiple restriction requirements will likely result in Applicant having to file numerous applications, each with an exceedingly narrow set of claims. That, in turn, will dramatically increase the filing fees and associated costs for Applicant. Applicant has invested considerable time and resources in developing the present invention, and also in pursuing a patent application directed thereto. It is inequitable, costly, and simply unfair to require Applicant to make elections between such narrowly construed groups.

The claims that read on Applicant’s elected particulate metal material (i.e. zinc flakes and aluminum flakes) and Applicant’s elected thermoset powder coat composition material (i.e. epoxies) are claims 8, 11, 12, 13, 14, 17, 18, 19, 20, 23, 24, 25, 26, 29, and 30.

Applicant respectfully requests that examination begin on the above-noted claims.

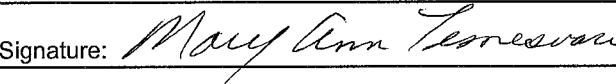
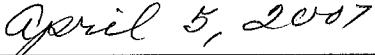
Date

April 5, 2007

Respectfully submitted,

FAY SHARPE LLP


Mark E. Bandy, Reg. No. 35,788
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input checked="" type="checkbox"/>	transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.
Express Mail Label No.:	Signature: 
Date: 	Name: Mary Ann Temesvari